



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 11895419

Date: MAY 12, 2021

**Appeal of Nebraska Service Center Decision**

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, a security analyst, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree but that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. Specifically, the Director stated that “[the Petitioner] submitted sufficient evidence to establish he holds a master’s degree in defense studies and thus qualifies for the requested [second preference] classification.” For the reasons discussed below, we withdraw that conclusion.

The record contains a copy of a “Bachelor of Social Science” degree certificate, typed in English, awarded to the Petitioner by National University in . The record also contains a copy of a “Master in Defence Studies” degree certificate, typed in English, awarded to the Petitioner by National University. In addition, the record contains two one-page documents, written in English and signed by both the assistant controller of examinations and the deputy controller of examinations for National University, certifying that the Petitioner passed the examinations required for the respective degrees. The certifications do not indicate that the foreign degrees are equivalent to a U.S. bachelor’s and master’s degree, respectively, nor are they from an independent academic credentials evaluation service.

The record does not contain an independent review of the academic credentials from a reliable credentials evaluation service which specializes in evaluating foreign educational credentials. Accordingly, the record does not establish either that the Petitioner’s bachelor’s degree is equivalent to a U.S. bachelor’s degree or that the Petitioner’s master’s degree is equivalent to an advanced U.S. degree, in order for the Petitioner to qualify as a member of the professions holding an advanced degree. *See* 8 C.F.R. § 204.5(k)(2) (defining “advanced degree” for the purposes of a Form I-140,

Immigrant Petition for Alien Worker, as “any United States academic or professional degree or a foreign *equivalent* degree above that of a baccalaureate” (emphasis added)).

While we conduct *de novo* review on appeal, we conclude that a remand is warranted in this case because the Director’s decision is insufficient for review. As presently constituted, the record does not establish whether the Petitioner qualifies as a member of the professions holding an advanced degree. See section 203(b)(2) of the Act.<sup>1</sup>

Accordingly, the matter will be remanded to the Director to conduct a final merits determination of the advanced degree issue and enter a new decision. The Director may request any additional evidence considered pertinent to the new determination and any other issue. As such, we express no opinion regarding the ultimate resolution of this case on remand.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for further proceedings consistent with the foregoing analysis and entry of a new decision.

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<sup>1</sup> We further note that the record—both at the time of filing and at the time of the Director’s decision—does not contain sufficient information regarding the proposed endeavor the Petitioner would pursue in the United States to meaningfully analyze whether any of the *Dhanasar* prongs have been satisfied. See *Matter of Dhanasar*, 26 I&N Dec. 884, 889-90 (AAO 2016); see also 8 C.F.R. § 103.2(b)(1) (requiring a petitioner to “establish that he or she is eligible for the requested benefit at the time of filing the benefit request and . . . continue to be eligible through adjudication”).